



PATENT APPLICATION  
Docket No.: 11502/33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:**

## Blatter

Serial No.: 10/706,245

Filed: November 12, 2003

Title: STAPLE AND ANVIL ANASTOMOSIS SYSTEM

Examiner: Julian W. Woo

Confirmation No.: 6387

Customer No.: 32642

Art Unit  
3731

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R § 1.97**

TO THE COMMISSIONER FOR PATENTS:

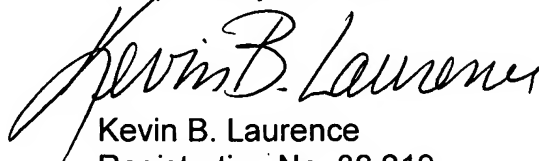
1. Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.
- ☐ Copies of listed documents are enclosed. (37 CFR § 1.98(a))
- ☒ Copies of listed U.S. patent documents are omitted because this application was filed after June 30, 2003 and is, thus, subject to image file wrapper processing.
- ☒ Copies of listed foreign patent documents and/or non-patent literature are enclosed. (37 C.F.R. § 1.98(a)(2))
- ☐ Copies of the documents listed on sheet(s) \_\_\_\_\_ of Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application No. \_\_\_\_\_, complies with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))

2. ☐ The Examiner's attention is directed to the enclosed copy of copending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, for \_\_\_\_\_, which is cited in this application.
3. This information disclosure statement is being submitted (check box a., b., or c.):
- a. ☒ Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or
- b. ☐ After the period set forth in paragraph 3a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)
- i. ☐ A \$180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is enclosed, or
- ii. ☐ A statement specified by 37 CFR 1.97(e) is set forth below; or
- c. ☐ After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is a \$180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).
4. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

5. ☒ A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is included.

DATED this 25<sup>TH</sup> day of MAY, 2006.

Respectfully submitted,



Kevin B. Laurence  
Registration No. 38,219  
Customer No. 32642

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): Blatter

Docket No.

11502/33

Application No.

10/706,245

Filing Date

November 12, 2003

Examiner

Julian W. Woo

Customer No.

32642

Group Art Unit

3731

Invention: **STAPLE AND ANVIL ANASTOMOSIS SYSTEM**



I hereby certify that this **Information Disclosure Statement (including the items listed below)**

(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope

addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

MAY 25, 2006

(Date)

**Kevin B. Laurence**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

Transmitted: Certificate of Mailing by First Class Mail (37 CFR 1.8) (1 pg.)  
Supplemental Information Disclosure Statement (3 pgs.)  
PTO-Form 1449 listing twenty-six (26) references (2 pgs.)  
Copies of twenty-two (22) references  
(including foreign patents and other documents including articles  
and application related docs.)  
Transmittal of Information Disclosure Statement (2 pgs.)  
Postcard

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

11502/33

In Re Application Of: Blatter

Application No.

10/706,245

Filing Date

November 12, 2003

Examiner

Julian W. Woo

Customer No.

32642

Group Art Unit

3731

Confirmation No.

6387

Title: STAPLE AND ANVIL ANASTOMOSIS SYSTEM

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
11502/33

In Re Application of **Blatter**

Application No.

10/706,245

Filing Date

November 12, 2003

Examiner

Julian W. Woo

Customer No.

32642

Group Art Unit

3731

Confirmation No.

6387

Title: **STAPLE AND ANVIL ANASTOMOSIS SYSTEM**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-2375  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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**Certificate of Transmission by Facsimile\***

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(Date)

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Signature of Person Mailing Correspondence

Kevin B. Laurence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

Dated: May 25, 2006

*Kevin B. Laurence*  
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# INFORMATION DISCLOSURE CITATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.  
11502/33

APPLICATION NO.  
10/706,245

APPLICANT - Blatter

EXAMINER - Julian Woo

FILING DATE-

November 12, 2003

ART UNIT

3731

TITLE: STAPLE AND ANVIL ANASTOMOSIS SYSTEM

CUSTOMER NO.: 32642  
CONFIRMATION NO. 6387

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |   | DOCUMENT<br>NUMBER | DATE       | NAME               | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|---|--------------------|------------|--------------------|-------|----------|-------------------------------|
|                     | 1 | 6,811,555          | 11/02/2004 | Willis et al.      | 606   | 153      | 09/01/2000                    |
|                     | 2 | 5,732,772          | 03/31/1998 | Borak, Jr., et al. | 166   | 65.1     | 12/19/1995                    |
|                     | 3 | 5,616,114          | 04/01/1997 | Thorton et al.     | 600   | 3        | 12/08/1994                    |
|                     | 4 | 4,076,162          | 02/28/1978 | Kapitanov et al.   | 227   | 19       | 07/09/1976                    |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE     | COUNTRY        | INT'L.<br>CLASS |        | TRANSLATION |    |
|---------------------|----|--------------------|----------|----------------|-----------------|--------|-------------|----|
|                     |    |                    |          |                |                 |        | YES         | NO |
|                     | 5  | WO 99/21491        | 05/06/99 | PCT/NL98/00605 | A16B            | 17/115 |             |    |
|                     | 6  | WO 99/11178        | 03/11/99 | PCT/US98/18471 | A16B            | 17/068 |             |    |
|                     | 7  | WO 98/19625        | 05/14/98 | PCT/US97/20494 | A61F            |        |             |    |
|                     | 8  | WO 95/17127        | 06/29/95 | PCT/DK94/00148 | A61B            | 17/11  |             |    |
|                     | 9  | EP 0 990 420       | 04/05/00 | EPO            | A61B            | 17/115 |             |    |
|                     | 10 | EP 0 938 870       | 09/01/99 | EPO            | A61B            | 17/11  |             |    |
|                     | 11 | DE 19732234A       | 01/99    | Germany        | A61B            | 17/115 |             | X  |
|                     | 12 | EP 0 885 595       | 12/23/98 | EPO            | A61B            | 17/115 |             |    |
|                     | 13 | EP 0 820 724       | 01/28/98 | EPO            | A61B            | 17/11  |             |    |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE     | COUNTRY  | INT'L.<br>CLASS |       | TRANSLATION |    |
|---------------------|----|--------------------|----------|--|-----------------|-------|-------------|----|
|                     |    |                    |          |  |                 |       | YES         | NO |
|                     | 14 | EP 0 820 725       | 01/28/98 | EPO  | A61B            | 17/11 |             |    |
|                     | 15 | EP 0 059 380       | 08/09/82 | EPO  | B01F            |       |             |    |
|                     | 16 | EP 0 012 013       | 06/11/80 | EPO  | A01G            | 9/10  |             |    |
|                     | 17 | 2 316 910          | 07/76    | French (Abstract of<br>corresponding U.S.<br>Patent No. 4,076,162) | A61B            | 17/11 |             | X  |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |  |
|--|----|--|
|  | 18 | Cope, Constantin and Stanley Baum, <i>Catheters, Methods, and Injectors for Superselective Catheterization</i> , Abrams' Angiography Vascular and Interventional Radiology, Vol. 1, Fourth Edition, pp. 155-156. |
|  | 19 | USSC, "VCS CLIP APPLIER SYSTEM, <i>Improve patency and reduce OR time in vascular anastomoses</i> " Auto Suture Company, A Division of United States Surgical Corporation.                                       |
|  | 20 | Preliminary Amendment and Request for Interference Declaration in U.S. Patent Application Serial No. 10/243,543, dated 09/12/2002, 20 pgs.   |
|  | 21 | Preliminary Amendment in U.S. Patent Application Serial No. 10/243,543, dated 07/15/2004, 7 pgs.   |
|  | 22 | Interview Summary from 12/16/2004 in U.S. Patent Application Serial No. 10/243,543, 2 pgs.   |
|  | 23 | Office Action in U.S. Patent Application Serial No. 10/243,543, dated 11/02/2004, 5 pgs.   |
|  | 24 | Office Action Response in U.S. Patent Application Serial No. 10/243,543, dated 12/30/2004, 20 pgs.   |
|  | 25 | Office Action in U.S. Patent Application Serial No. 10/243,543, dated 04/07/2005, 5 pgs.   |
|  | 26 | Office Action Response and Suggestion by Applicant for Interference and RCE in U.S. Patent Application Serial No. 10/243,543, dated 10/07/2005, 16 pgs.  |

EXAMINER:

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.